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ATTENTION: Examiner Marc A. Patterson Group Art Unit: 1772

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10/734047

AD7076USNA

STATEMENT OF SUBSTANCE OF TELEPHONIC INTERVIEW

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NO. 3972 P. 2

JUN 12 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

HYUK TARK KWON

CASE NO: AD7076 USNA

APPLICATION NO.: 10/734,047

GROUP ART UNIT: 1772

FILED: DECEMBER 10, 2003

EXAMINER: PATTERSON, MARC A

CONFIRMATION NO. 8995

FOR: PROCESS FOR MAKING COSMETIC
CONTAINERS HAVING A TRANSPARENT
THERMOPLASTIC OUTER WALL

Statement of Substance of Telephonic Interview

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This letter is responsive to the Interview Summary mailed by the USPTO on May 22, 2006. This letter is Applicant's statement of the substance of telephone discussions with Examiner Patterson regarding the present application.

The Examiner and I spoke on several occasions in April of 2006 (starting in the week of April 3, 2006) regarding the Examiner's intention to abandon the present application for lack of response to an Office Action (Notice of Non-compliant Amendment) mailed September 1, 2005. The Applicant elected not to correct the amendment in reliance of the USPTO's guidance in item (2) on said Notice, which clearly stated that failure to timely respond would result in "[n]on-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment". The discussions with Examiner Patterson centered on the Applicant's view that Abandonment of the application was not appropriate because the amendment was a preliminary amendment requested before the first office action under 37 CFR 1.104. I related several sections in the MPEP to support this position and noted the fact that the Office Action of September did not include a rejection of any claim or any discussion of the merits of the claims. As such, it was the

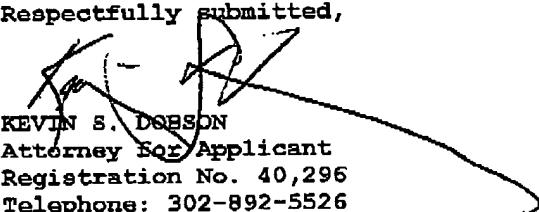
Application No.: 10/734,047
Docket No.: AD7076 USNA

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Applicant's position that non-entry of the amendment was the only recourse available to the USPTO.

According to my records, on April 18, 2006 Examiner Patterson called my office and at that time indicated that the Notice of Non-compliant Amendment was erroneous. Examiner Patterson also at that time indicated that an Office Action on the merits of the case would be sent subsequent to our conversation (that is, in the next few months).

Respectfully submitted,



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Dated: June 8, 2006